

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

JACQUELINE C. JONES,	*	NO. 1:16-cv-8
	*	
Plaintiff,	*	JURY DEMAND
	*	
v.	*	
	*	
ASTEC, INC.,	*	
	*	
Defendant.	*	

COMPLAINT

Comes the Plaintiff, by and through her attorneys, and for her claims against the Defendant would show unto the Court as follows:

1. Plaintiff is a citizen and resident of Hamilton County, Tennessee.
2. Defendant is a Tennessee corporation with its principal place of business in Hamilton County, Tennessee. Defendant at all material times was subject to the provisions of the Equal Pay Act, Title VII, and the Tennessee Human Rights Act, as amended.
3. This Court has jurisdiction over the parties hereto and the subject matter of this lawsuit by virtue of the provisions contained in T.C.A. §4-21-311, 42 U.S.C. §2000e, 28 U.S.C. §§ 1331 and 1337.

FACTUAL BASIS

4. Plaintiff began her employment with Defendant on October 27, 2008, and was Defendant's Human Resources Director at the time of her termination on January 19, 2015.
5. Plaintiff learned that male directors employed by Defendant made significantly more money than Plaintiff. Plaintiff was the lowest paid Director at Defendant's facility.

6. In January, 2015, Defendant hired a male Director of Safety and paid him over \$12,000 more per year than Plaintiff.

7. Plaintiff met with Defendant's president, Malcolm Swanson, and objected to the inequality in pay between male and female directors and asked him for a raise to bring her to the same salary level of the lowest paid male director. Mr. Swanson's response was that he would consider the raise in July 2015 at the time of Plaintiff's annual review.

8. Two days following Plaintiff's meeting with Mr. Swanson, she was terminated for reasons that were both pretextual and unlawfully discriminatory.

COUNT I – EQUAL PAY ACT

9. The Defendant is unlawfully compensating the Plaintiff in violation of the Equal Pay Act, 29 U.S.C. § 206(d). Plaintiff has unlawfully been denied equal pay to which she is entitled.

COUNT II – GENDER DISCRIMINATION

10. The Defendant discriminated against Plaintiff in the terms and conditions of her employment on the basis of her sex in violation of T.C.A. § 4-21-401(a)(1) and 42 U.S.C. §2000e-2. Plaintiff has been unlawfully denied pay to which she is entitled, causing her economic loss and embarrassment. Likewise, when the Defendant sought a pretextual reason to terminate Plaintiff in retaliation for her complaints about unlawful pay, it chose a discriminatory reason for doing so.

COUNT III – RETALIATION

11. The Defendant has retaliated against Plaintiff by terminating her employment because she objected to gender discrimination in violation of T.C.A. § 4-21-401(a)(1) and 42 U.S.C. §2000e-3.

WHEREFORE, Plaintiff prays:

- a. That proper process be issued and served upon Defendant and Defendant be required to answer within the time provided by law;
- b. That Plaintiff be awarded back pay, liquidated damages, and such other relief to which she may be deemed entitled under the provisions of the Equal Pay Act;
- c. That Plaintiff be awarded back pay, damages for humiliation and embarrassment, reinstatement or front pay in lieu of reinstatement, value of all lost benefits and such further relief to which she may be deemed entitled under the provisions of the Tennessee Human Rights Act;
- d. That Plaintiff be awarded back pay, reinstatement or front pay in lieu of reinstatement, punitive damages; value of all lost benefits and such further relief to which she may be deemed entitled under the provisions of Title VII, 42 U.S.C. §2000e-2 and 42 U.S.C. §2000e-3;
- e. That Plaintiff be awarded attorneys' fees, prejudgment interest, and costs as provided by law;
- f. That Plaintiff be awarded such further relief to which she may be deemed entitled; and
- g. Plaintiff demands a jury for all causes triable by jury.

BURNETTE, DOBSON & PINCHAK

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